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16 Attorneys for Plaintiff
PLEXXIKON INC.

17
18 IN THE UNITED STATES DISTRICT COURT
19 FOR THE NORTHERN DISTRICT OF CALIFORNIA

20 OAKLAND DIVISION

21 PLEXXIKON INC.,

Case No. 4:17-cv-04405-HSG

22 Plaintiff,

**DECLARATION OF EUGENE NOVIKOV IN
SUPPORT OF PLEXXIKON INC.'S BILL OF
COSTS**

23 v.
24 NOVARTIS PHARMACEUTICALS
CORPORATION,

Ctrm: 2 – 4th Floor
Judge: Honorable Haywood S. Gilliam, Jr.

25
26 Defendant.

1 I, Eugene Novikov, declare as follows:

2 1. I am an attorney at law licensed to practice in the state of California. I am an attorney
 3 with the law firm of Durie Tangri LLP, counsel for Plaintiff Plexxikon Inc. (“Plexxikon”) in this matter.
 4 I make this Declaration from personal knowledge, and if called to testify, I could and would testify
 5 competently thereto.

6 2. On July 22, 2021, the jury returned a verdict in Plexxikon’s favor on every issue, finding
 7 that Novartis Pharmaceuticals Corporation (“Novartis”) willfully infringed each of Plexxikon’s asserted
 8 patent claims and that none of those claims are invalid. (ECF No. 565). The Court entered judgment for
 9 Plexxikon on September 17, 2021. (ECF No. 580). Therefore, Plexxikon is the prevailing party and is
 10 entitled to recover costs pursuant to Fed. R. Civ. P. 54(d)(1).

11 3. The costs in Plexxikon’s Bill of Costs are correctly stated, were necessarily incurred in
 12 this action, and are allowable by law. The services for which fees have been charged were actually and
 13 necessarily performed. The items in Plexxikon’s Bill of Costs are fairly attributable to Plexxikon’s
 14 prosecution of its claims and defense of Novartis’s counterclaims and are recoverable by Plexxikon
 15 under 28 U.S.C. § 1920, Local Rule 54-3, and relevant statute and case law. These costs are described
 16 below and supported by documents in the attached exhibits. The highlighted line items on the invoices
 17 reflect the costs sought to be taxed, prorated as discussed in footnote 1 below.

18 4. A spreadsheet itemizing the recoverable costs that Plexxikon incurred in prosecution of its
 19 claims and defense of Novartis’s counterclaims is attached as Exhibit A. Exhibit A also includes true
 20 and correct copies of invoices, highlighted to identify line items for costs that Plexxikon seeks to recover.
 21 The spreadsheet assigns each unique invoice its own item number, with the item numbers affixed to the
 22 upper-right hand corner of each invoice.

23 5. For deposition transcript costs, Plexxikon has excluded the cost of expediting delivery of
 24 transcripts and seeks only those costs that it would have incurred to obtain the transcripts on a standard
 25 delivery schedule.

26 a. I understand that Exhibit B, included herewith, describes Planet Depos’ standard
 27 delivery costs for copies of deposition transcripts for Item Nos 6, 20, 25, 26, and 28–30 in the above-
 28 captioned matter. Plexxikon has prorated the costs in Item Nos. 6, 20, 25, 26, and 28–30 in accordance

1 with the standard delivery costs described in Exhibit B.

2 b. The Declaration of Andy Fredericks, included herewith, describes Veritext's
3 standard delivery costs for the deposition transcripts in Item Nos. 11, 14, 21, 22, and 24 in the above-
4 captioned matter. Plexxikon has prorated the costs in Item Nos. 11, 14, 21, 22, and 24, and seeks
5 recovery of costs for deposition transcripts in those items in accordance with the Declaration of Andy
6 Fredericks.

7 6. For costs for the reproduction and exemplification of visual aids, Plexxikon seeks to
8 recover only those costs actually incurred and reasonably necessary for trial.

9 a. Plexxikon's trial demonstratives were necessary to facilitate the jury's
10 understanding of the complex issues in this case. Plexxikon seeks recovery of costs only for the actual
11 preparation of demonstratives and has excluded costs associated with the intellectual effort involved in
12 their preparation such as meetings with attorneys.

13 b. Plexxikon also seeks recovery of costs for the in-court time required of its
14 technician, whose technical assistance was necessary to present trial demonstratives to the jury. His in-
15 court time in the presence of the jury is described in the Declaration of Brian Lee, included herewith.

16 c. The costs in Item 67 were incurred for production of jury notebooks necessary to
17 facilitate the jury's comprehension of the issues in the above-captioned matter. The jury notebooks
18 contained copies of the asserted patents, photographs of the witnesses, and pages for the jury to take
19 notes during the trial.

20 7. The reporter's transcript costs reflect the cost of obtaining a trial transcript necessary for
21 litigation of the above-captioned case and necessary for appeal. Real-time transcription and daily trial
22 transcripts were necessarily obtained in the above-captioned case due to the scope and door-opening
23 issues presented by the Court's rulings on the motions in limine, and because the Court required the
24 parties to raise objections and motions promptly.

25 8. For reproduction and exemplification costs for e-discovery, Plexxikon has excluded all
26 hosting fees. Plexxikon seeks recovery of only those costs associated with the reproduction and
27 preparation of documents for production, as reflected in the declaration of Melanie Antoon, included
28 herewith.

9. Plexxikon seeks the amount of \$153,199.37 in costs.

I declare under penalty of perjury that the foregoing is to the best of my knowledge and belief true and correct. Executed on October 5, 2021 in San Francisco, California.

/s/ Eugene Novikov

EUGENE NOVIKOV

CERTIFICATE OF SERVICE

I hereby certify that on October 5, 2021 the within document was filed with the Clerk of the Court using CM/ECF which will send notification of such filing to the attorneys of record in this case.

/s/ Eugene Novikov
EUGENE NOVIKOV